

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA</p> <p>Plaintiff,</p> <p>vs.</p> <p>DEMETRIO ZAMORA-AYON</p> <p>Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING MOTION TO PRESERVE AND DISCLOSE INTERVIEW MEMORANDA</p> <p>Case No. 2:12-CR-741</p>
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This matter comes before the Court on the unopposed Motion by Defendant Demetrio Zamora-Ayon to preserve and disclose interview memoranda pursuant to Rule 16 of the Federal Rules of Criminal Procedure. Specifically, Defendant seeks preservation and disclosure of all field notes, recordings, and written memoranda regarding the questioning of Defendant during and following Defendant's arrest and the October 26, 2012, execution of a search warrant on Room 327 of the Motel 6 in Lehi, Utah.

Under Rule 16, "the government must disclose to the defendant the substance of any relevant oral statement made by the defendant, before or after arrest, in response to interrogation

by a person the defendant knew was a government agent if the government intends to use the statement at trial.”¹ In addition,

Upon a defendant’s request, the government must disclose to the defendant, and make available for inspection, copying, or photographing, all of the following:

(i) any relevant written or recorded statement by the defendant if:


- the statement is within the government’s possession, custody, or control; and
- the attorney for the government knows—or through due diligence could know—that the statement exists;

(ii) the portion of any written record containing the substance of any relevant oral statement made before or after arrest if the defendant made the statement in response to interrogation by a person the defendant knew was a government agent²

As Defendant’s Motion is unopposed and appears to be warranted, the Court hereby GRANTS Defendant’s Motion and ORDERS the government to disclose to Defendant the portions of any written or recorded interview notes that contain the substance of any oral statements made during and following Defendant’s arrest and the October 26, 2012, execution of a search warrant on Room 327 of the Motel 6 in Lehi, Utah. Pursuant to 18 U.S.C. § 3161(h)(1)(D), the time between the filing of Defendant’s Motion for Discovery and the date of this Order shall constitute excludable time under the Speedy Trial Act.

DATED January 29, 2013.

BY THE COURT:



TED STEWART
United States District Judge

¹Fed. R. Crim. P. 16(a)(1)(A).

²Fed. R. Crim. P. 16(a)(1)(B).